

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.5097 of 2021

and

Crl.M.P No.3248 of 2021

Mrs.Suriya Kala

Wife of Mr.Anthony Raj

..Petitioner/Accused

Vs.

M.Aravnd Bagrecha,

Son of Mr.Mandanlal Bagrecha

..Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to C.C.No.2634 of 2019 on the file of Hon'ble Metropolitan Magistrate FTC-4 at George Town, Chennai filed by the Respondent and quash the same against the Petitioner.

For Petitioner : Mr.R.Balasubramanian

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 read with 142 of Negotiable Instruments Act.

2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed and the Court below is directed to complete the proceedings in C.C.No.2634 of 2019, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS III)

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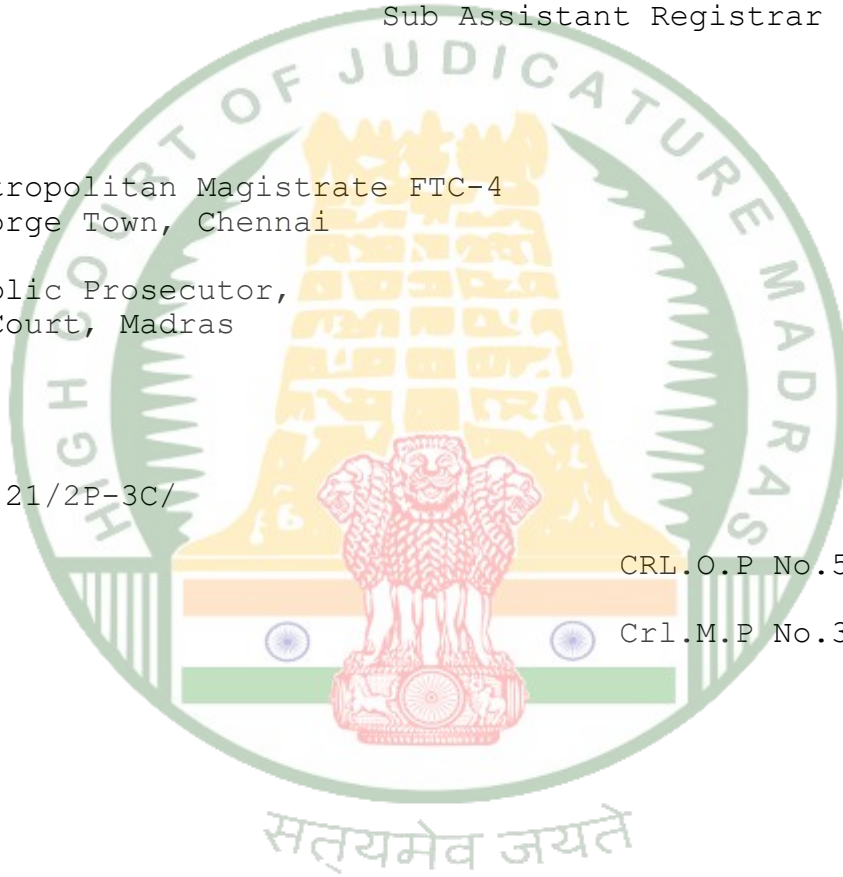
Sub Assistant Registrar

To

1. The Metropolitan Magistrate FTC-4
at George Town, Chennai
2. The Public Prosecutor,
High Court, Madras

AKM/15.04.21/2P-3C/

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